IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

RP.No. 512 of 2007(E)
IN
W.A.NO.393 OF 2006

AGAINST THE JUDGEMENT/ORDER IN WA.393/2006 Dated 21/12/2006
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REVIEW PETITIONER/PETITIONER:

T.R.SHINA, W/O C.B.SUMESH,
HIGH SCHOOL ASSISTANT,(SCHOOL STUDENT)
POMPLE ST.MARY'S HIGHER SECONDARY SCHOOL,
KOTTUR, THRISSUR DISTRICT.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS: RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE DIRECTOR OF PUBLIC EDUCATION, JAGATHY, TRIVANDRUM-14.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, AYYANTHOLE, THRISSUR.**

4. **THE DISTRICT EDUCATION OFFICER, IRINJALAKUDA, THRISSUR.**

5. **THE MANAGER, POMPLE ST.MARY'S HIGHER SECONDARY SCHOOL, KATTOR, THRISSUR DISTRICT.**

6. THE HEADMASTER,
POMPLE ST. MARY'S HIGHER SECONDARY SCHOOL,
KATTOR, THRISSUR DISTRICT.

7. SMT.LIJO JOSEPH,
HIGH SCHOOL ASSISTANT(SOCIAL STUDIES),
POMPLE ST. MARY'S HIGHER SECONDARY SCHOOL,
KATTOR, THRISSUR DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM
GOVERNMENT PLEADER SRI.NOBLE MATHEW

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.P.NO.512 OF 2007 (E)
IN
W.A.NO.393 OF 2006

Dated this the 15th day of June, 2007

O R D E R

KOSHY,J.

Review petitioner filed a writ petition before this Court. After making certain observations, learned Single Judge quashed Ext.P6 as prayed by the petitioner and also directed him to file a representation to pass appropriate orders by the Government. Aggrieved by the above, the petitioner filed a writ appeal and during the pendency of the writ appeal, Government passed an order. Therefore writ appeal was closed as it has become infructuous. It is the case of the petitioner that observations and findings of the learned Single Judge are not fully implemented while passing the order by the Government. It is submitted that contesting respondents filed a writ petition challenging the correctness of the order passed by the Government as per the directions of the learned Single

Judge. Petitioner has also filed a counter. He is free to take up all the points before the court and disposal of the writ appeal as infructuous will not be a bar in raising all the contentions before the court. If he is aggrieved by any part of the order passed by the Government, he is also free to challenge the same. Since writ appeal filed by the petitioner was dismissed only consequent to passing of orders by the Government, he can contest on all matters taken up in the writ appeal in subsequent writ petition also even though findings in W.P.(C).No.11732/2006 is binding on the respondents as they did not file any appeal. The review petition is dismissed with the above observations.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007